

REMARKS

Claims 1-8 are pending in the application, and are rejected. Claims 1 and 8 are amended, claim 3 is canceled, and claims 9-15 are added. New claims 14 and 15 are supported in the specification at page 12, line 11.

Claim Rejections - 35 U.S.C. §102(b)

Claims 1, 2, 6 and 7 are rejected under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 4,788,250 to Kitahara et al. The Examiner asserts that Kitahara et al. exemplifies (#8) a blend of PMMA and a grafted rubber impact modifier having a low melt index that can be used in laminated structures (col. 5, line 19).

Claims 1, 2 and 5-7 are rejected under 35 U.S.C. §102(b) as anticipated or by, in the alternative, under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 3,793,402 to Owens et al.

Claims 1, 2, 4 and 6 rejected under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 3,843,753 to Owens et al.

Claims 1 and 4-6 are rejected under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over J10152595.

Applicants herein add the limitations of claim 3 to claim 1, and cancel claim 3. Subsequently, Applicants disagree with the rejection, because not all of the limitations of claim 1 are disclosed in the cited reference.

Claims 1-8 are rejected under 35 U.S.C §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 5,318,737 to Trabert et al. The Examiner asserts that Trabert suggests capstocks of acrylic multilayer impact modifiers and

MMA polymers (abstract), and states the MI should be 'about' 0.4 – 0.75 (abstract). The Examiner asserts that Applicants' claim of "no more than 0.35" is considered to be met by "about 0.4" in the reference.

Applicants respectfully disagree with the rejection for anticipation, because the cited reference does not teach or disclose all the limitations of the present invention. Applicants note that at least the limitation of the use of a mixture of MMA polymers having different molecular weights, as recited in claim 1, is missing from the cited reference. Therefore, the Applicants submit that the anticipation rejection is not correct, and should be withdrawn.

Applicants respectfully disagree with the above rejection for obviousness, because the cited reference does not appear to fairly suggest the claimed range of melt index.

The Examiner states that Trabert suggests capstocks of acrylic multilayer impact modifier and MMA polymers (abstract), and states the MI should be "about" 0.4-0.75 (abstract). The Examiner asserts that "about" permits some tolerance, and that Applicants' claim of "no more than 0.35" is considered to be met by "about 0.4" in the reference. The Examiner further asserts that the two values are so close, one would expect them to have the same properties.

Applicants respectfully disagree with the Examiner's assertions. Applicants note that Trabert et al. discloses at column 7, lines 12-17 that if the resin composition is to be coextruded with ABS having a melt flow index (MFI) of about 0.5, the aforesaid parameters can be adjusted to give the resin composition an MFI of from about 0.4 to about 0.75, preferably from about 0.45 to about 0.6 g/10 min. It is believed that the difference of 0.05 between the lower limit values "about 0.4" and "about 0.45" has significance. Thus, Applicants' claimed value "not more than 0.35" is not met by "about 0.4" in the reference.

The teachings of Trabert et al. would not have led a person skilled in the art to decrease the melt flow index to less than 0.4. It is believed that the presently claimed invention is unobvious from Trabert et al. One skilled in the art would not have any reason to use a value as that claimed, based on the cited reference.

Claim Rejections - Double Patenting

Claims 1-8 rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-11 of U.S. Patent No. 6,555,245 to Tajima et al.

Applicants submit herewith a Terminal Disclaimer that disclaims any portion of any resulting patent that would extend beyond the expiration date of co-owned U.S. Patent No. 6,555,245 to Tajima et al.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

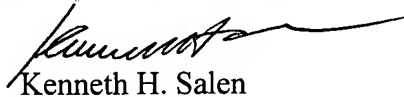
If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

Response under 37 C.F.R. §1.111
Attorney Docket No. 001696A
Serial No. 10/028,368

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP



Kenneth H. Salen
Attorney for Applicants
Registration No. 43,077

KHS/led
1250 Connecticut Avenue, NW
Suite 700
Washington, D.C. 20036
(202) 822-1100

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